

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,)
vs.) No. 3:09-CR-253-D(01)
CURTIS PEGUES, ID # 39466-177,)
Defendant.)

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted, and defendant's July 2, 2010 motion for return of property is construed as a civil action seeking the return of property.

The Clerk of the Court is directed to open a new civil case, file the motion as a civil complaint in that case, and directly assign the new case to Chief Judge Sidney A. Fitzwater and Magistrate Judge Irma Carrillo Ramirez. The clerk is also directed to file the government's July 21, 2010 motion to apply funds in the new case.

SO ORDERED.

October 28, 2010.

Sidney A. Fitzwater
SIDNEY A. FITZWATER
CHIEF JUDGE